UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,639	11/16/1999	JONG-HEE HAN	Q56734	3207

7590   09/22/2004

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 200373202

EXAMINER
ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

SEP 2 1 2004

Technology Center 2600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/440,639
Filing Date: November 16, 1999
Appellant(s): HAN, JONG-HEE

Peter A. McKenna
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/18/04.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal

is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

Appellant's brief includes a statement that claims 1-5 do not stand or fall together

and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

6,553,178	ABECASSIS	4-2003
6,091,884	YUEN ET AL	7-2000
5,519,549	CHOI	5-1996

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. ∋ 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the internation application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1,2&4 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 6,553,178).

Regarding claim 1, Abecassis discloses systems for, and methods of, processing, random accessing, buffering, and playing a video utilizing the information provided by a video map, where the source of the video and video map are, for example, a DVD, a DBS, and/or video-on-demand transmissions, and where the means for playing the video comprises, for example, a DVD player, a personal computer, a set box, and/or a multimedia player, comprising a decoder for decoding the program rating data to generate decoded program rating data, a controller for generating a first control signal for blocking a video/audio signal if a viewable program rating set by a user is

lower than the rating of the decoded program rating data, and for generating a second

control signal if signal indicating a new program is detected, and a tape speed controller

for executing a high-speed search mode when the controller generates the first control

signal and for executing the general playback mode when the controller generates the

second control signal (see col.28, lines 22-55; col.39, line 26 to col.40, line 31).

Here Abecassis discloses playing viewer-selected program which includes

viewer preferred, selected rating codes; when the viewer requests for this viewer-

selected program to be played, the codes of the played program must match the viewer-

selected rating codes, and any portions of the program with unacceptable, unselected

rating codes are skipped.

Examiner reads the claimed decoder as the means to determine during

reproduction the correct viewer-selected rating codes within a program selected by the

viewer; the examiner reads A... first control signal for blocking a video/audio signal if a

viewable program rating set by a user is lower than the rating of the decoded program

rating data... A as the signal indicating the skipping of portions of a program which

contain video/audio information with unacceptable, unselected rating codes, and A...

generating a second control signal if signal indicating a new program is detected... A

as the signal indicating the playing of portions of a program which contain video/audio

information with acceptable, selected rating codes; and the high-speed search mode as

the skipping mode; and the new program as the program that contains the portions of a

program which contain video/audio information with acceptable, selected rating codes;

and the general playback mode as the play mode when playing the portions of a

program which contain video/audio information with acceptable, selected rating codes.

Regarding claim 2, the claimed limitations of claim 2 are accommodated in the

discussions of claim 1 above.

Regarding claim 4, the claimed limitation a data slicer extracts only the program

rating data from the video signal in a general playback mode and outputting the

program rating code to the decoder is accommodated in the decoding function of the

playback of viewer-selected program containing viewer selected rating codes as

discussed in claim 1 above, since the rating codes contained within the viewer-selected

program containing viewer selected rating codes must be extracted from the program

before the decoder decodes the rating data to determine the ratings of the reproduced

program, in order to determine a match or no match.

Claim Rejections - 35 U.S.C. ϱ 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   Claims 3&5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in

view of Yuen et al US 6,091,884) and further in view of Choi (US 5,519,549).

Abecassis fails to disclose wherein determining in step (d) whether the new recorded program has been reached is made by a determination of whether a video index search system (VISS) signal is detected, made using the duty cycle of a controller. (Yuen et al means and method for facilitating management, storage, and retrieval of programs on a cassette of magnetic tape, comprising VISS marks which are used to mark the beginning and end of a program in a control track of a tape (see col.6, lines 38-48). In addition, Abecassis and Yuen fail to disclose wherein the detection of the VISS signal is made by using the duty cycle of a controller. Choi (US 5,519,549) teaches wherein when searching for recorded portion, the index information is picked up by detecting the duty cycle variation (see col.1, lines 39-47).

It would have been obvious to modify Abecassis by realizing Abecassis with a VISS system, as taught by Yuen, in order to facilitate the marking of the beginning and end of recorded signal. In addition, it would have been obvious to further modify Yuen by detecting the VISS mark signal by detecting the duty cycle variation of the VISS signal, as taught by Choi.

Regarding claim 5, the claimed limitations of claim 5 are accommodated in the discussions of claim 3 above.

(11) Response to Argument

In re pages 3-5, appellant argues that Abecassis does not teach or suggest the claimed tape speed controller for executing a high-speed search mode when the

controller generates the first control signal, and for executing the general playback

mode when the controller generates the second control signal, as required by claim 1.

In response, as discussed in claim 1 above, Abecassis clearly discloses a speed

controller that controls the various speeds (fast forward, rewind, frame advance, skip) of

the playback device, wherein, for example, portions of unwanted segment are skipped

by fast forwarding (high-speed) the undesirable portion which contains unwanted

portion(s) of the segment being played back. When the Abecassis system is in a

playback mode, it is at the same time in a search mode at which time segments desired

by the user are searched, played or skipped based on the content of the portion(s) of

the segment, and as desired and coded by the user.

In column 40, lines 26-36, Abecassis discloses that the speed keys provide the

viewer control over the transmission rates of, for example, the fast forward, rewind,

frame advance, and play functions. Other keys may be used in combination, for

example, while the video is being fast forwarded, the skip key may be utilized by the

viewer to further accelerate the transmission

Furthermore, in column 31, lines 14-25, Abecassis discloses that a content-on-

demand video, video map, and user routines may be provided to the viewer by means

of a variety of existing and evolving technologies. These technologies include hard

formats such as tape, Video CD, magnetic disk, combination laser one side magnetic

underside disk, memory chips and bubble modules. And, in column 4, lines 9-12,

Abecassis discloses that content-on-demand permits a parent or viewer to determine

what is objectionable. Only objectionable segments are excluded and replaced with suitable parallel segments. The resulting video retains a seamless continuity.

From the above discussions, it is clearly seen that Abecassis discloses a speed control means that makes it possible for the Abecassis system to operate efficiently when the content-on-demand system is manipulated by a viewer in order to selectively play only the selected designated portions of program seamlessly by skipping (fast-forwarding by applying high speed play) the unwanted portions of the program.

In re page 5, appellant's argument with respect to claim 2 is similar to the appellant's argument with respect to claim 1. Examiner's response to appellant's argument with respect to claim 2 is therefore accommodated by the examiner's response with respect to claim 1 above.

In re pages 5-6, appellant argues with respect to claims 3&5 that the VISS signal is incompatible with the device disclosed by Abecassis because a VISS system cannot be used with anything other than a video tape.

In response, examiner refers the appellant to column 31, lines 14-25, wherein Abecassis discloses that a content-on-demand video, video map, and user routines may be provided to the viewer by means of a variety of existing and evolving technologies. These technologies include hard formats such as tape, Video CD, magnetic disk, combination laser one side magnetic underside disk, memory chips and bubble modules.

Furthermore, the VISS system (video index search system) disclosed by Yuen is used as an example of a means to mark the start, for example, of programs. The Yuen

system uses a tape system wherein data stored in the tape are segmented and the

segments are random accessible just as the Abecassis system. Also the Abecassis

system discloses keyword indexing (see col.9, lines 38-47) of the segments which

provides for inhibiting the viewing of undesirable subject matter, or assisting in the

retrieval of desirable subject matter where the descriptive structure may not adequately

cover a specified category or subject matter. The VISS system would be desirable in the

Abecassis system in order, for example, to mark the start of the different segments of a

program in the Abecassis system.

Furthermore, in disclosing of the VISS system, Yuen fails to explicitly and

distinctly define systems to which only the VISS system can be used. It is, therefore,

unacceptable for the appellant to arbitrarily make such distinction.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
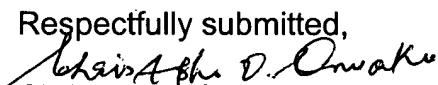
Christopher O. Onuaku
Examiner
Art Unit 2616

September 15, 2004

Conferees
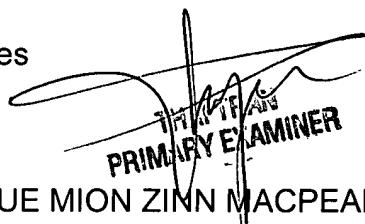
ROBERT CHEVALIER
PRIMARY EXAMINER

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 200373202